

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UB STUDENTS FOR LIFE, an expressive student organization at the University at Buffalo; **CHRISTIAN ANDZEL**; and **MATTHEW RAMSEY**,

Plaintiffs,

v.

SATISH K. TRIPATHI, in his official capacity as President of University at Buffalo, The State University of New York; **DENNIS R. BLACK**, individually and in his official capacity as Vice President for University Life and Services; **THOMAS R. TIBERI**, individually and in his official capacity as Director of Student Life; **GERALD W. SCHOENLE JR.**, individually and in his official capacity as Chief of Police; **RICHARD LINDE**, individually and in his official capacity as Assistant Chief of Police; **KERRY SPICER**, individually and in her official capacity as Associate Director of Student Unions and Activities; **ELIZABETH HLADCZUK**, individually and in her official capacity as Student Life Reservations Coordinator,

Defendants.

**STIPULATION OF SETTLEMENT AND
DISCONTINUANCE PURSUANT TO
RULE 41(A)**

Case No. 13-cv-00685-WMS-HKS

WHEREAS, the parties hereto have agreed to settle this action pursuant to the provisions of Rule 41(a) of the Federal Rules of Civil Procedure; and

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the above-entitled action and the same hereby is discontinued on the merits, with prejudice, without costs to either party as against the other; and

WHEREAS, the State University of New York, University at Buffalo (“University at Buffalo”), as the Agency having supervision of Defendants Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk alleged to have caused the injuries herein, has approved the settlement of this action under the terms and conditions set forth below; and

WHEREAS, defendants Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk do not admit any wrongdoing but approve settlement for the convenience of all interested parties; and

WHEREAS, the parties hereto have entered into this Stipulation of Settlement and Discontinuance, in connection with the settlement of this action; and

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED, by and between the undersigned, the attorneys of record for all of the parties in the above-entitled action as follows:

1. That no person not a party has an interest in the subject matter, and that the above-entitled action be, and the same hereby is, settled and discontinued with prejudice as to defendants Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk upon:
 - a. Defendants’ agreement to amend the Special Event Procedures at the University at Buffalo and to not formally adopt or enforce the former special event procedures challenged in this action in the future; and
 - b. Payment of the sum of six hundred forty-nine dollars and sixty-three cents **(\$649.63)** to plaintiffs, and nine thousand nine hundred seventy-five dollars and five cents **(\$9,975.05)** to plaintiffs’ attorneys. Payment shall be made by checks

payable to the order of plaintiff UB Students for Life and the plaintiffs' attorneys Alliance Defending Freedom, in the sums specified above and sent to the plaintiffs' attorney, David J. Hacker at Alliance Defending Freedom, 101 Parkshore Drive, Suite 100, Folsom, California 95630.

2. In consideration of the policy changes and payment of the sums set forth in paragraph 1, the plaintiffs hereby release the defendants and any and all current or former employees of the University at Buffalo, in their individual and official capacities, and their heirs, executors, administrators and assigns and the State of New York and the University at Buffalo, from any and all claims, liabilities and causes of action arising out of the circumstances set forth in the complaint in the above-entitled action, including but not limited to claims relating to or arising out of any alleged violation of plaintiff's constitutional rights, and all other causes of action and claims of liability.

3. That payment of the sums set forth in paragraph 1 is subject to the approvals of all appropriate State officials in accordance with the provisions for indemnification under Public Officers Law Section 17. Plaintiffs and plaintiffs' counsel agree to execute and deliver to counsel for defendants all necessary or appropriate vouchers and other documents requested with respect to such payment.

4. That payment of the amounts referenced in paragraph 1 will be made within one hundred twenty (120) days after the approval of this Stipulation of Settlement by the Court and receipt by defendants' counsel of a copy of the so-ordered stipulation.

5. That in the event that the aforementioned approvals in paragraph 3 of all appropriate State officials in accordance with the provisions for indemnification under Public Officers Law Section 17 are satisfied, but payment is not made within the 120-day period set

forth herein, interest shall begin to accrue on the outstanding principal balance at the statutory rate on the 121st day after court approval.

6. That, except as provided in paragraph 1(b) of this agreement, each party shall bear its own costs and fees relating to this proceeding and the costs and fees shall be hereby waived by the parties against each other.

7. That nothing contained herein shall constitute an admission by Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk, individually or in their official capacity, that deprived the plaintiffs, UB Students for Life, Christian Andzel, and Matthew Ramsey, of any right, or of failing to perform any duty under the Constitutions, Statutes, Rules, Regulations or other laws of the United States or the State of New York.

8. That this Stipulation of Settlement and Discontinuance and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation of Settlement and Discontinuance.

9. We, the attorneys, for the plaintiffs do hereby release and waive our lien for services upon the above-named plaintiffs' causes of action, claim, verdict, report, judgment, determination, or settlement in favor of said plaintiffs which we have thereon under and by virtue of Section 475 of the Judiciary Law or otherwise.

10. We, the attorneys for the plaintiffs, do further represent that there are no other attorneys having a lien for services rendered to plaintiff(s) pursuant to the provisions of Section 475 of the Judiciary Law or otherwise.

11. That plaintiffs agree that Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk, the University at Buffalo, and the State of New York shall not be responsible for any liens of any kind which may have attached to the proceeds from this settlement and further that both plaintiffs UB Students for Life, Christian Andzel, Matthew Ramsey, and their attorneys agree that they will defend, indemnify and hold harmless Satish K. Tripathi, Dennis R. Black, Thomas R. Tiberi, Gerald W. Schoenle Jr., Richard Linde, Kerry Spicer, and Elizabeth Hladczuk, the University at Buffalo, its officers, agents and employees and the State of New York for the satisfaction of any such liens.

12. That the Court retains jurisdiction of this action solely for the purpose of enforcing this Order, should such a need arise. In confirmation of the agreement herein, the undersigned attorneys for the parties to this action set their signatures below.

Dated: Buffalo, New York
February 10, 2014

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Dated: February 13, 2014

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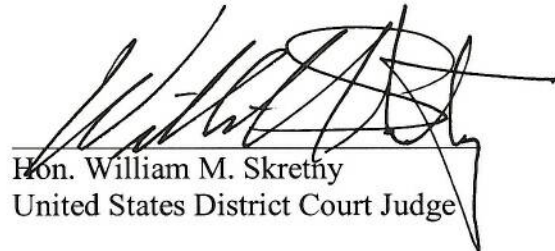
By:



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Dated: 02/18/14

SO ORDERED:



Hon. William M. Skrethy
United States District Court Judge